FIRE
Foundation for Individual Rights and Expression

April 30, 2024

Grace Wang
Office of the President
Worcester Polytechnic Institute
Boynton Hall
100 Institute Road
Worcester, Massachusetts 01609

Sent via U.S. Mail and Electronic Mail (president@wpi.edu)

Dear President Wang:

The Foundation for Individual Rights and Expression (FIRE), a nonpartisan nonprofit dedicated to defending freedom of speech,[1] seeks clarification about allegations that Worcester Polytechnic Institute student Ritik Rao faced potential punishment for political social media posts. As WPI's free speech commitment protects political expression,[2] we urge WPI to ensure students do not suffer punishment for exercising their expressive rights.

Based on our current understanding of the pertinent facts, it appears that on November 20, 2023, WPI Assistant Vice President for Student Affairs and Dean of Students Gregory Snoddy asked Rao to meet to discuss anonymous complaints about his social media posts.[3] According to Rao, Snoddy did not disclose which posts prompted the complaints but claimed the posts offended both the meat-eating community and international students at WPI. Rao believes the complaints likely referred to memes he posted to his Instagram story critical of animal exploitation, the WPI Turkish Student Association, and the Chinese Communist Party.[4] Rao says Snoddy verbally threatened to expel him and alert his parents to his posts, and though Rao also states Snoddy directed him to refrain from posting controversial content on social media,

[1] For more than 20 years, FIRE has defended freedom of expression, conscience, and religion, and other individual rights on America's college campuses. You can learn more about our expanded mission and activities at thefire.org.

[2] *WPI Policy on Campus Events Involving External Speakers*, WORCHESTER POLYTECHNIC INST. https://www.wpi.edu/sites/default/files/inline-image/FINAL%20External%20Speakers%20Policy.pdf [https://perma.cc/8RXR-CVDX].

[3] Email from Jennifer Irving, Executive Administrator, Dean of Students, to Ritik Rao, student (Nov. 20, 2023) (on file with author).

[4] Instagram story posts are automatically deleted after 24 hours, so Rao does not have a copy of these posts.

Snoddy later clarified that only comments "veer[ing] into personal attacks upon students" are restricted.[5]

We appreciate that you may have additional information about this matter and, if so, invite you to share it with us, toward which ends, please find enclosed an executed privacy waiver authorizing you to do so. But based on our current understanding of the facts, under WPI's promises to abide by free speech principles—which protect offensive, uncivil, and even hateful expression[6]—its administrators may not direct students to refrain from expressing views about current issues or other students. This protection includes "personal attacks" on students, student groups, or foreign governments, unless the speech rises to the level of unprotected discriminatory harassment.[7]

We accordingly seek clarification as to administrators' interactions with Rao regarding his posts,[8] and we request a substantive response to this letter no later than close of business May 14, 2024.

Sincerely,

Zachary Greenberg
Senior Program Officer, Campus Rights Advocacy

Cc: Philip Clay, Senior Vice President for Student Affairs and Enrollment Management
Emily Perlow, Dean of Students

Encl.

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[5] Email from Gregory Snoddy, Assistant Vice President for Student Affairs and Dean of Students, to Ritik Rao, student (Nov. 27, 2023) (on file with author).

[6] *See, e.g.*, *Texas v. Johnson*, 491 U.S. 397, 414 (1989) (First Amendment protects burning the American flag, under the "bedrock principle" that government actors "may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable"); *Papish v. Bd. of Curators of the Univ. of Mo.*, 410 U.S. 667, 667–68 (1973) (holding "the mere dissemination of ideas—no matter how offensive to good taste—on a state university campus may not be shut off in the name alone of 'conventions of decency.'"). While WPI is not bound by the First Amendment, judicial interpretations of its free speech clause will reasonably set student expectations under—and should inform—WPI's express commitment to free speech principles.

[7] The Supreme Court established that peer harassment in the educational context constitutes conduct that is: (1) unwelcome, (2) discriminatory on the basis of gender or another protected status, and (3) "so severe, pervasive, and objectively offensive that it can be said to deprive the victim[] of access to the educational opportunities or benefits provided by the school." *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 650 (1999). To the extent WPI believes Rao's posts constitute unlawful harassment, discrimination, or true threats in violation of university policy, it must promptly disclose the posts to Rao and afford him a full and fair opportunity to contest any disciplinary charges.

[8] *Mendocino Env't. Ctr. v. Mendocino Cnty.*, 192 F.3d 1283, 1300 (9th Cir. 1999) (institutional response short of formal punishment can violate free speech rights if it "would chill or silence a person of ordinary firmness from future First Amendment activities").